

# 2001 OPA MID-YEAR REPORT

## INTRODUCTION

This is the first report of the Seattle Police Department Office of Professional Accountability (OPA). Established by ordinance in 1999, the OPA was designed to provide civilian oversight of the internal process for investigating and addressing citizen complaints against police employees. Confirmation of the Mayor's appointment of Sam Pailca as the OPA Director occurred on January 22, 2001.

From the citizens' point of view, the first six months of the OPA has resulted in:

- Easier access to the citizen complaint system.
- Improved information and communication about their complaints.
- Review of their complaints by a citizen with authority to make important decisions.

This report details how the OPA has achieved these results and provides a prospectus of planned actions in the coming months. Divided into four parts, the report begins with a discussion of what has been involved in **establishing the OPA Director role and organizational relationships within SPD**. Civilian oversight to the internal investigations process as a whole, as well as to individual case investigations, is the most salient role of the OPA Director. As such, it has consumed most of the time and attention of the OPA Director in this initial implementation period. This has been necessary and important since establishing the authority and integrity of the civilian oversight role has both functional and symbolic significance. Moreover, clear and firm establishment of this role is the essential first step in achieving the OPA's capacity to assume the complementary and equally important roles described below.

While the OPA Director's functional oversight role focuses attention on individual cases, the main thrust of the OPA cannot and should not be limited to such case by case review. Lessons learned in other law enforcement agencies confirm that civilian oversight achieves its greatest promise when a broader perspective is taken. For this reason, a second part of the report focuses on the OPA Director's **proactive review and response activities and the crafting of policy initiatives**. The report outlines reforms implemented to (1) improve access and ease of use and (2) received continual feedback on further improvements to the complaint handling process. Also discussed are a special OPA initiative on racial profiling and the reduction of police bias in investigations. The OPA role in the policy arena is to extract from the facts of individual cases, issues and trends that can be addressed through improvements in training, supervision, or policy. These process improvement and complaint prevention activities contribute to the broader purpose for which the OPA was intended.

The third section of the report describes the involvement of the OPA Director in **community outreach**. Inspiring the confidence of those who might use the complaint process and of the community at large is essential to the overall success of the OPA. This part of the report focuses on the steps already undertaken and those planned to identify the concerns and expectations the public has for the OPA. Items presented here include a description of meetings, forums, and events attended by the OPA Director; presentations and media contacts made; and planned promotional efforts.

A final section of the report discussed **future prospects** and focus areas for the OPA and addresses resource needs. The report is supplemented with two appendices.

## EXECUTIVE SUMMARY

This first report of the Office of Professional Accountability (OPA) addresses: (1) OPA implementation procedures; (2) OPA review, response, and policy initiatives; (3) OPA community outreach; and (4) future prospects and activities of the OPA.

**Background and Information.** In 1999, the City Council created within the Seattle Police Department an Office of Professional Accountability to oversee and direct the complaint investigation function of the Department. On January 22, 2001, the Council confirmed the Mayor's appointment of Sam Pailca to the position of Director of the newly established office. The first few months were used to establish the authority and procedures of the office, to undertake an initial review of internal investigation policies and procedures and make recommendations for reform, and to determine OPA focus areas. The OPA Director is also responsible for the Police Accountability Hotline, serves as a member of the Racial Profiling Task Force, and is involved in the review of Department policies and procedures on pursuit, use of force, and response to police shootings.

**OPA Implementation and Relationship with the Seattle Police Department.** The implementing legislation did not provide specific details on the operation of the OPA. For that reason, the OPA Director has worked closely with the Chief, Mayor, and City Council to shape the legislative concepts into a set of operational procedures. This Report discusses the relationship between OPA and the former Internal Investigation Section, the scope of the Director's authority, and describes how the OPA oversees the citizen complaint function. Preliminary information about OPA review of investigations to date is also provided.

The following implementation actions, clarifications, or recommendations that have been made by the OPA Director are discussed:

- The former Internal Investigation Section has been renamed as the Investigation Section of the Office of Professional Accountability. Correspondence and brochures have been modified to reflect this change.
- The commander of the Investigation Section, of the rank of Captain, reports directly to the OPA Director. The Director has also named a new Captain as commander of the Section.
- The OPA Director recommends changes to the language of SMC 3.28.720 and .730 to reflect retention of day-to-day management and administrative duties by the Captain.
- The OPA Director has established a separate office with staff member, phone line, and e-mail address.
- The OPA Director has developed a formal, written statement of purpose, authority, and procedures which is included at Appendix A.

- The OPA Director recommends changes to timelines in collective bargaining agreements for notifying officers that an investigation will be conducted and for completing such investigations. These changes are deemed necessary to provide for meaningful OPA review in the complaint handling process.
- The OPA Director recommends a contract modification to provide for line commander review and comment only on the level of appropriate discipline for sustained complaints. Current provisions call for line commander review of all proposed dispositions of investigations.
- The OPA Director will maintain a record of all policy and procedure recommendations made to the Chief of Police, whether approved or not, and to report same to the Mayor and City Council.
- The OPA Director will maintain a record of all investigations reviewed and report the results of this review to the Mayor and City Council.

**OPA Policy Initiatives.** The growing body of evidence from other jurisdictions suggests that the success of civilian oversight mechanisms is determined less by their review of individual investigations and more by their proactive efforts to improve the citizen complaint process and to identify and address underlying causes of police misconduct. This Report outlines several major OPA policy initiatives approved for implementation by Chief Kerlikowske:

- Improved communication with complainants and officers/employees,
- Initiation of Quality Service Audit surveys of citizens and employees,
- A special initiative in the area of racial profiling, and
- Recommendations to reduce police bias in complaint investigation.

Also discussed are efforts to improve record keeping and the classification of complaints and future recommendations in such areas as complaint analysis and tracking and the establishment of an appeals process.

**Community Outreach.** An important component of the OPA is to promote the citizen complaint process throughout the community. This Report documents the considerable amount of time the OPA Director has devoted to community outreach activities to date, including meetings with community groups and community leaders, attendance at community forums and seminars, and making media contacts and presentations. The Report also previews the OPA website, slated for implementation in late July 2001, which will provide information to the public, facilitate direct communication and feedback to the OPA, and accept online filing of commendations and complaints. In addition, the Report details the planned OPA promotional effort and external communication plan for ongoing community outreach and education.

**Internal Outreach.** It will be important for the effective functioning of the OPA to build and foster a mutually respectful relationship between the OPA and the employees of the Seattle Police Department. The OPA reports directly and regularly to the Chief of Police.

In addition, the OPA Director serves as a member of the Department's command staff to keep informed about issues affecting the Department and to provide input from the perspective of a civilian on accountability issues. As a first step toward establishing a good relationship between OPA and the police officers, the OPA Director has visited roll calls at the precincts, toured police facilities, and met with representatives of the Seattle Police Officers' Guild and Seattle Police Management Association. To enhance mutual understanding and build on common objectives, the OPA Director will speak to recruit officers in post-academy training, host OPA officer forums, attend police officer training programs, participate in ride-alongs, and commission research aimed at identifying strategies for enhancing the legitimacy of the citizen complaint process.

**Future Prospects.** The ultimate success of the OPA will depend on the capacity to establish a vision of police accountability and on the commitment to take the steps necessary to achieve it. Efforts in the first six months have led to meaningful civilian review, reforms in communication and service delivery, and planned improvements in community outreach. The vision for the next six months will involve a number of focus areas. These include early intervention in police misconduct, a protocol for the review of police shootings, officers' views of the legitimacy of the citizen complaint function, a mediation program for resolving some complaints, and securing adequate staff and resources to fulfill the OPA's roles and responsibilities.

**A Special Note on OPA Response to Police Shootings.** The tragic incident involving Aaron Roberts has sharply cast the dissonance between the formal limitations and the public's expectation of the OPA's role. Chief Kerlikowske and the Director are working with the King County Prosecutor's Office to develop a protocol that provides for an enhanced role for the OPA in response to such serious events. The protocol will be outlined in a subsequent report.

**Report Appendices.** The report is supplemented with two appendices that contain, respectively, the OPA Purpose, Authority and Procedures Statement, and samples of OPA correspondence and quality service audits for use with complainants and officers/employees.

## **OPA IMPLEMENTATION**

### **Establishing the OPA Director Role and Organizational Relationships within SPD**

The oversight mechanism created in the OPA Director position is a unique hybrid: a civilian director *within* the Police Department. Implementing legislation, at SMC 3.28.700 *et seq.*, supplied most of the *what*, but not much of the *how*. Resolving questions about how to overlay this new structure onto an existing internal investigation unit with established practices proved challenging and time-consuming. Certain conceptual and procedural models were considered or tested, then rejected when they proved unwieldy, inefficient, or incompatible with other accountability measures. Operating concepts and procedures that have proven workable and consistent with legislative intent are summarized below. Note is made where specific operational or procedural changes have been made as well as where additional changes are recommended. As experience teaches new lessons, the organizational relationships and formal procedures will likely undergo further evolution and refinement. OPA stakeholders will continue to be advised of changes that affect them.

This section of the Report begins with a discussion of the relationship the OPA Director has established with the pre-existing Internal Investigations Section. This is followed by a description of how the OPA Director functions within the internal complaint handling processes of SPD. Next is a discussion of the OPA Director's authority to implement changes in policy and procedure and of the scope of the OPA Director's authority to review and advise in areas outside of complaint handling. The section concludes with a summary to date of the OPA Director's review of individual cases.

#### **The Relationship Between the OPA and Internal Investigations Section (IIS)**

**What's in a Name.** An immediate issue facing the OPA Director was how the pre-existing IIS would be referenced and related to the OPA. The clear intent of the implementing legislation was that the OPA subsume within it the Department's Internal Investigation Section both in fact and in name. The Director is aware of the established history within police departments of the "internal investigation" or "internal affairs" unit or section. Indeed, through TV and movies, the term and concept have some public familiarity as well. Not only does use of the term provide ready recognition, it was also possible that a name change could be disruptive to the Department's organizational structure in terms of assignment, promotion, and work jurisdiction.

Nonetheless, the spirit of the implementing legislation is clear that the OPA is to direct the internal investigations process. Referring to the complaint gathering and investigative functions as those of the "Office of Professional Accountability" thereby reinforces the concept of civilian oversight aimed at enhancing public confidence. Moreover, to gain credibility, the OPA needs to attain an institutional, rather than merely personal, identity. Continued exclusive reference to the "Internal Investigation Section" as a stand-alone body will ultimately confuse the public, render the concept of a professional accountability "office" meaningless, and defy legislative intent.

Therefore, the Director has recommended and the Chief of Police has agreed that in communication to the public, reference will be made to the Office of Professional Accountability - Investigation Section as the body responsible for the intake and investigation of complaints of police misconduct. Denoting a “section” of the OPA reinforces the public’s view of civilian oversight, is consistent with the OPA as a bureau equivalent, and permits a useful distinction between the Director’s Office and the investigative body. The following changes implement the organizational change:

- The former Internal Investigation Section is now known as the Investigation Section of the Office of Professional Accountability. Correspondence and brochures have been modified to reflect this change.
- The commander of the Investigation Section, of the rank of Captain, reports directly to the OPA Director.
- The OPA Director has established a separate office with staff member, phone line, and e-mail address.<sup>1</sup>

**Management of the Investigation Section of the OPA.** The ordinance states plainly that management of the investigative, training, and administrative functions of the OPA rests with the Director. SMC 3.28.720. The ordinance further directs:

The Chief of Police shall, with a recommendation from the OPA Director, appoint the OPA Deputy Director from among the sworn Captain ranks of the Seattle Police Department. The OPA Deputy Director, as overseen by the Director, shall oversee the day-to-day management of the OPA investigative process, employing the best and most effective OPA investigations practices (SMC 3.28.730).

To comply with the ordinance, it is apparent that the Director must assume ultimate responsibility for the management and administration of the Investigation Section of the OPA. However, there is a risk that management and administration of the Section will detract from the time and proper focus of the Director on oversight, policy review and implementation, and on community outreach.

Mindful of this concern and in the interest of efficient administration, the Director has made a new appointment of the OPA Investigation Section commander<sup>2</sup> and has delegated day-to-day management and administrative duties pertaining to the investigative functions to that commander.

To clarify any ambiguity created by the language in the ordinance, the Director makes the following recommendation:

- *Modify the language in SMC 3.28.720 and .730 to reflect the retention of day-to-day management and administrative duties by the Captain.*

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<sup>1</sup> The staff support is currently being provided with a Temporary Services employee. See the OPA Prospects section below for a fuller discussion of resource needs for the OPA.

<sup>2</sup> Captain Cindy Caldwell has been appointed as commander of the Investigation Section of the OPA, effective July 12, 2001.

## How the OPA Functions within the SPD Complaint Handling System

**A Visual Description.** The chart on the next page presents a visual description of the ways in which the OPA Director intervenes in the Department's handling of citizen complaints. As can be seen, the OPA Director not only reviews, and may overrule the initial classification of complaints, but also can direct additional investigation at several points in the process. At the end of a formal investigation, the OPA Director must certify both the completion of the investigation and the recommended formal disposition of a sustained complaint. It is also clear from this chart that the OPA Director does not supplant the activities of the Internal Investigations Auditor, but rather supplements them in important and far-reaching ways.

**Formal Purpose, Authority and Procedures.** In order to ensure that the role and responsibilities of the OPA Director are clear, a formal OPA Purpose, Authority and Procedures Statement, set forth in Appendix A, has been developed. The procedures that have been settled upon satisfy the critical "review and certification" requirements of the OPA Director ordinance and provide for a high degree of accountability. These procedures do, however, add time to the complaint handling process that was not envisioned when existing collective bargaining agreement provisions were negotiated. The OPA Director is, therefore, recommending changes to collective bargaining agreements in the following areas:

- The current collective bargaining agreement with the Seattle Police Officers' Guild calls for notifying officers within 5 days from the time a complaint is received, if an investigation will be conducted. Adding time for the OPA Director's review of contact logs makes it difficult to meet this short notification requirement. *The Director recommends that the City negotiate a reasonable, additional amount of time to permit a meaningful OPA review.*
- Current collective bargaining agreements call for investigations to be completed and discipline imposed within 180 days. This timeline can pose significant challenge, if meaningful OPA review of investigations is to occur. *The Director recommends that the agreements be modified to allow for additional time once the investigation is completed, to permit OPA review, and/or to allow a reasonable extension of time for review in the Director's absence or for other good cause shown.*
- Current collective bargaining agreements require that line commanders review all dispositions proposed by the Investigations Section. This review is inefficient and inconsistent with best investigative and review practices. *The Director recommends that the City bargain a contract modification that provides for line commander review and comment only on the level of appropriate discipline for sustained complaints.*

### OPA Authority to Implement Changes in Policy and Procedure

Considered together, various provisions of the OPA ordinance (SMC 3.28.700; .720; .720(D) and (F); and .750) support the conclusion that the Director has the authority to implement recommended changes in internal investigation process, procedure, or administration<sup>3</sup>. This authority, though, is subject to the Chief's approval. As a direct

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<sup>3</sup> Of course, certain changes may be mandatory subjects of collective bargaining.





report to the Chief, the Director cannot implement changes with which the Chief disagrees.

However, per ordinance, the Director does have an independent reporting obligation to the Mayor and City Council. This is interpreted to mean that the Director must keep a record of, and report to, the Mayor and City Council **all** recommendations made to the Chief, whether or not the suggestions for change were approved. Therefore, to ensure this obligation is met, the OPA Director shall:

- Maintain a record of policy and procedure recommendations made to the Chief of Police and report all recommendations to the Mayor and City Council.
- Maintain a record of the OPA review of investigations and report results of the review of investigations to the Mayor and City Council.
- Upon appointment of the OPA Review Board, the OPA Director will comply with reporting requirements relative to that body.

### **OPA Authority to Review and Advise in Areas Outside of Complaint Handling**

It must be noted that the formal relationship between the OPA and the former Internal Investigation Section does not preclude the OPA from reviewing and advising on other policies not strictly within the framework of internal investigation of misconduct complaints. The implementing legislation makes reference to advising the Chief, Mayor, and City Council on “disciplinary”, as well as investigatory functions, and to recommending policy on “various issues concerning the professional standards of the department” (SMC 3.28.700). Accordingly, the Department has located the OPA as a separate entity in the Office of the Chief of Police, reporting directly to the Chief, as do Assistant Chiefs and Bureau directors, and has included the Director position as part of the Department’s Command Staff. This structure ensures that the OPA perspective is represented at the table during consideration of the full array of issues confronting the Department.<sup>4</sup>

### **OPA Case Reviews to Date.**

From the beginning, the OPA Director has spent a substantial portion of time reviewing the intake and investigation activity of the former Internal Investigation Section. Early review was primarily accomplished through discussions with the Captain. As the concepts of the OPA’s purpose and authority were explored and began to gel, more formal review procedures were tentatively established. These procedures were further developed and committed to writing (see Appendix A) when temporary staff support was secured for the Director in June.

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<sup>4</sup> By way of prominent example, the OPA will play a significant role in the Department’s data collection and policy review efforts currently underway in the area of racial profiling. In addition, the OPA will assist with advice to the Chief on recruiting, hiring, training, and early intervention issues, as these are critical battlegrounds in the effort to improve officer behavior and public trust. The OPA will also be involved in the review of department wide policies in areas such as EEO, pursuit, use-of-force, ethics, and public disclosure. As these efforts evolve, the OPA may establish distinct focus areas, perhaps organized into new sections within the OPA. Internal investigation, however, will remain its primary function.

A summary of OPA case review, March 1 to present, is set forth below. This truncated review period does not permit adequate time for comprehensive analysis of the investigative activities under the OPA's direction. The Director's next report will provide in depth information on investigations, compiled and analyzed over a more substantial period of ten to twelve months. That report will also include information being collected for the first time under OPA direction, e.g., the types of conduct complained of in contact logs, the number of racial profiling and other biased policing complaints, the length of time complaints spend at each stage of the investigations process, and the frequency with which findings of the OPA Director differ from those proposed by the Investigation Section commander or from those ultimately imposed by the Chief of Police

**Contact logs<sup>5</sup>.** A total number of 321 complaints to the Investigation Section have been received and classified as contact logs since January 1, 2001. One hundred eighty nine of these were received March 1 to date. Of the 189 reviewed, the Director directed that seven of these be classified as investigations. Further, the Director directed additional preliminary investigation or other follow-up in another twenty-seven cases.

**Completed investigations.** A total of seventy-seven cases have been closed January 1, 2001, to present; thirteen were closed with a sustained finding. Of the fifty cases closed March 1 to date, seven have been sustained. Further, the Director directed additional investigation in sixteen of the fifty cases.

**Open investigations.** The Investigation Section currently has 128 open cases, approximately 10-12 per investigator. The OPA Director is devoting special attention to several of the more complex and serious of these investigations.

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<sup>5</sup> Calls or complaints to the OPA or the OPA Investigation Section are designated as "contact logs" if they do not meet a minimum showing of misconduct. They are not assigned for investigation but may be forwarded for review and action outside the disciplinary system by line supervisors or commanders.

## **OPA POLICY INITIATIVES**

### **Proactive Review and Response**

As important as the OPA Director's role is in reviewing individual cases, it cannot be allowed to obscure the need to apply a broader perspective to police accountability. The OPA Director's functional role in the complaint handling process is an advantageous position from which to identify the need for system change and/or to discover recurring issues or trends in complaints that may be addressed through training, supervision, or policy improvements. Through a more proactive stance, the OPA Director can work to enhance complainant confidence, to increase citizen understanding of police procedures as well as the investigation process, and, potentially, to reduce citizen complaints.

In examining the SPD internal investigations system thus far, the OPA Director has focused on change in the following areas:

- Making changes in *communications to complainants and employees*,
- Seeking to find out *how well the system is working* for those involved in it,
- Launching a *special initiative in the area of racial profiling*,
- Recommending *changes to reduce police bias in investigation of complaints*, and
- Identifying other areas where *policy and procedure changes* are likely to be recommended.

Each of these is discussed in turn.

#### **Communications to Complainants and Employees.**

There is a widespread perception that the Department's citizen complaint process is a fortress difficult to access and navigate, and non-responsive once penetrated. Citizens protest that they go to considerable trouble to file a complaint but then never hear anything back from the Department. Officers/employees feel they are kept in the dark as investigations go on interminably without resolution. For both, complaints seem to fall "into a black hole."

In fact, each and every complaint made to the Internal Investigation Section is recorded and maintained. The problem is that neither complainants nor employees are adequately informed about complaint-handling procedures prior to, during, or after complaining. In many cases good follow-up work has been done, but it is never shared with either party. In addition to written information about procedures and the status of the investigation, complainants should be told what decision was reached and why.

Keeping complainants informed is critical to the formation of trust in the system. In fact, "customer satisfaction" surveys done in other cities consistently rank being kept informed higher than sustaining complaints as key to satisfaction. At the same time, police officers and employees should be regularly advised of the status of complaints against them. Improved feedback – along with constant effort aimed at reducing delays in complaint investigations – should go a long way to reducing the frustration of all parties involved in the complaint process.

Review of the Department's complaint investigation procedures revealed three critical points where communication could be improved. The strategy implemented for enhancing responsiveness is outlined below.

Contact logs. The Section receives several contacts from citizens each day that remain as a "contact log," i.e., a record of a complaint or referral to IIS that is not assigned for a full IIS investigation or line referral investigation. When a contact is classified as a contact log, even citizens who identify themselves are not given a written response.

Strategy: *Require, in the absence of good cause shown, a written response to all citizens whose complaints are not investigated, with a brief explanation of the reason.* A sample letter to be used for this purpose is included in Appendix B as Attachment 1.

Notification to Complainants When a Complaint is Under Investigation. Past procedures did include initial notification to a complainant if a complaint had been assigned for IIS or line investigation. However, complainants were not routinely updated throughout the course of the investigation. Further, though formal notice of delay in investigations is provided to the Seattle Police Officers Guild, the officers are not given status reports directly. Finally, referral agencies have not been routinely included in the notification process.<sup>6</sup>

Strategy: *Send thirty-day status reports to complainants, and notification and status reports to referral agencies.* Sample notification and status report letters are included in Appendix B as Attachments 2 and 3.

Notification Of Final Disposition. In the past, complainants were given brief notices of the final disposition of the investigation. However, the notices often did not sufficiently explain the reason for the disposition, nor did they offer any additional outreach. In addition, when a complaint was referred for a line investigation, IIS did not monitor to ensure that appropriate communication with the complainant had occurred.

Strategy: (1) *Require notification to OPA at completion of a line investigation or supervisory referral.* (2) *Develop more complete final disposition letters.* (3) *Explore options for additional conciliation efforts at the conclusion of certain investigations.* Sample letters to implement this strategy are included in Appendix B as Attachments 4 and 5.

A new emphasis on communication with complainants will create additional administrative work for the Investigation Section. It will also require of the investigators even more patience and diplomacy. This is because it may not be well received by all complainants. It will be difficult to hear, for example, that a deeply held conviction about inequitable parking enforcement does not rise to the level of misconduct. Similarly, confidence in the citizen complaint process may not be restored to the man who is told that his complaint was not sustained because his account of the incident was not deemed credible. Nonetheless, the Office of Professional Accountability must communicate its decisions and be able and willing to defend them. A firm commitment to communicating openly and honestly will show both complainants and employees that

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<sup>6</sup> The new procedures also require notification to referral agencies if the complaint is classified as a contact log.

complaints are taken seriously, investigated thoroughly and fairly, and handled appropriately.

### **How Well is the System Working – Quality Service Audits.**

In the past, there has been no systematic attempt to get feedback from complainants or employees on the complaint-handling process. Lingering displeasure with the system, therefore, could be attributed to “sour grapes” on either side. For the system to be effective, it must not only be fair and creditable; it must also be perceived as such by those involved. Moreover, those involved in the complaint handling process can offer valuable insights into how it can be improved.

Quality Service Audits. A process has been established for receiving feedback from complainants and police officers about their experience with the complaint process. The Quality Service Audit (QSA) provides a basis for identifying perceived problems and areas of improvement in the investigation of complaints and for correcting them. At the same time, it is hoped that QSAs will contribute to increased public and officer confidence in the system.

Strategy: *Provide all complainants and officers/employees with QSA questionnaires at the close of each case.* Sample Citizen Feedback and Employee Feedback surveys are included at Appendix B as Attachments 6 and 7.

### **Initiative on Racial Profiling**

In August 2000, the Seattle Police Department published a written statement prohibiting racial profiling. In addition, the Department is actively participating in the Racial Profiling Task Force created by City Council resolution in November 2000 to design a process by which data on traffic stops can be collected and analyzed for disparities.

Separate from that task, and in an effort to support the Department's policy, the OPA has implemented an initiative to compile information about complaints by citizens about specific encounters. Under past procedures, such complaints were accepted, but because allegations were often vague, they were frequently classified as contact logs. As a result, neither the fact of the complaint, nor any information contained within it, was routinely reviewed and evaluated.

The intent of the OPA initiative is not necessarily to increase the number of investigations of these complaints. Frequently, the nature and circumstances of the allegations do not lend themselves to misconduct investigations. Rather, the OPA initiative will compile and analyze information about these complaints. This information will provide valuable feedback to the Department about police/community relations, and will advance the dialogue in the community about the nature and extent of the problem. The privacy of individual officers will be protected as required by law and by collective bargaining agreement.

To ensure this objective is met, the OPA shall:

- Document and compile **all** complaints of racial profiling or biased policing.
- Analyze the data collected.
- Make recommendations based on the data.

- Share the information gathered, and any recommendations made, in subsequent OPA reports.

In addition to the above, complaints of racial profiling will be investigated where pre-existing criteria for misconduct investigations are satisfied. For example, an OPA investigation may be warranted where the complainant alleges the officer made racial or other biased-based comments, and/or the complainant alleges credibly that there was no legitimate basis for the stop or contact. To be sure that these standards are fairly and consistently applied, the Director will review all classifications of complaints of racial profiling or biased policing.

### **Preliminary Observations and Recommendations to Reduce Any “Police” Bias in Investigations**

Almost six months have been devoted to the review of the citizen complaint investigation function within the Seattle Police Department. As have others before me, I have concluded that there is no evidence of corruption or systemic failure within the Internal Investigation Section. Indeed, I have observed a high degree of integrity and professionalism in the command and staff of that Section. Though viewed as an undesirable and thankless assignment, apparent was a strong commitment to uphold professional standards within the Department and a desire to provide respectful service to complainants.

The Director was particularly impressed with the quantity and quality of the documentation in the investigative files. The files contain transcripts of all tape-recorded interviews and any and all relevant documentation, such as arrest reports, use of force reports, jail records, medical records, photographs, radio, computer, or 911 transmissions. Detailed follow-up notes are maintained by the investigators, which document all investigative activity. The proposed dispositions prepared by the captain include a summary of the evidence as support for the proposed finding. Comments of line commanders, evidence of the Chief's review of sustained cases, and accurate complaint history records are also appropriately maintained. This notable professional rigor renders unlikely an investigation flawed by the absence of critical evidence.

What was notably absent at times, however, was the willingness or ability to see a situation through the eyes of an individual citizen complainant, or through those of the community as a whole. The most pervasive weakness observed was thus a bias or tendency – largely unconscious – in favor of the police perspective. This tendency, frequently reported by experts across the country, subtly influences the intake and investigation of complaints and the analysis of gathered evidence in ways that investigators do not realize. Moreover, from the complainant's viewpoint, it undermines the credibility of what may otherwise be a thorough and professional investigation.

In few instances would this bias toward the police perspective prove outcome determinative. For many reasons, citizen complaints are inherently difficult to investigate and even harder to sustain. This will remain the case whether police officers or citizens are the investigators, and with or without civilian oversight. Nonetheless, policies and procedures in the complaint investigation function that contribute to this tendency should be identified and changed since they undermine the credibility of the complaint handling process. Evidence of specific bias in individual cases must likewise be identified and

corrected, and strategies developed to promote awareness of the problem and how it may be addressed.

The reason for identifying and addressing this issue goes to the heart of public confidence in the complaint handling process. Complainants are simply more likely to accept even a contrary outcome to their complaints, if they feel their side of the story has been seriously examined and considered. On the other hand, when citizens feel they are not heard or their statements are not given credence, even a “positive” outcome to a complaint may not be well received.

The citizen perspective of the Director has already had a direct impact on individual cases and on the system itself by identifying the problem of bias in the citizen complaint function. The Director has recommended, and Chief Kerlikowske has approved, the following changes to reduce actual or perceived bias in favor of the police perspective in the intake, investigation, and analysis of cases in the Investigation Section:

- Credibility determinations at contact log stage should be avoided and, if made, the reasons and supporting evidence therefor should be documented.
- Complainants and witnesses in use-of-force or other serious cases should be interviewed in-person wherever feasible.
- Follow-up documentation should include the deliberative process, e.g., investigative options that may have been considered but not explored.
- Provide training for investigators on interview strategies for short, direct questions, and the avoidance of leading or combative questions.
- Obtain criminal histories of complainants only upon a showing of relevance to the investigation.
- Questions of complainant regarding impairment or criminal history are asked only upon a showing of relevance and then are reserved for end of interview.
- Questions of officer regarding knowledge of criminal activity in the area, or of complainant's criminal history are asked upon a showing of relevance to the investigation, and should be narrowly tailored.
- Summaries of evidence, without findings, should be prepared by the case investigator.
- Each allegation should be accompanied by the cite to and text of the corresponding manual section; a copy of the manual section should be part of the investigative packet; and the language of the section and the standard of proof applied should be incorporated into the analysis of the evidence and proposed disposition.
- Where credibility determinations are made, the proposed disposition should include the reasons and supporting evidence therefor.



- Require review by the OPA of allegations of misconduct made outside the complaint process, for example, in a claim, lawsuit, or public disclosure request.

### **Other Areas for Policy or Procedure Change.**

Over time, the OPA Director's level of activity in this area is expected to grow. As more and more cases are reviewed, QSA survey feedback is analyzed, and contacts with complainants and employees increase, there will be an opportunity to discover recurrent trends or issues of concern to the public and to address them in a preventative manner. In addition, ongoing feedback will permit the OPA Director to make continuous improvements in the system that benefit all concerned. There are several areas in which policy/procedure changes of a more longstanding nature are being reviewed. Two are discussed here.

"Appeals" Through the OPA. The OPA implementing legislation did not provide for an appeal process for complainants dissatisfied with the classification or disposition of their complaint. Currently, the OPA listens to complaints or concerns raised by citizens in an informal setting, often meeting with complainants in person to hear their concerns. This is done on an *ad hoc* basis and provided only to those who express great dissatisfaction. It is worth considering a more formal appeals process that could be offered more broadly. The OPA will review options and make a recommendation in a future report regarding the advisability of a more formal appeal process.

Classification of Complaints. In the past, records of complaints were maintained and reported by the allegations investigated, i.e., unnecessary use of force, conduct unbecoming an officer or failure to take appropriate action. Such broad categories do not lend themselves to insight into the circumstances and situational dynamics that resulted in a formal complaint being filed. Moreover, incidents classified as contact logs have not been categorized at all.

From the OPA point of view, this broad categorization of complaints will not suffice. Already, as noted above, the OPA Director is tracking all complaints in which "racial profiling" or some type of "biased policing" is being alleged. This will permit a further review of the types of situations that give rise to such complaints and offers the potential for identifying ways that officers might handle these situations better. There are likely to be other complaint trends that will emerge over time and suggest ways that the Department can better train, coach, or supervise employees. At the same time, complaint trends may suggest the need to better inform the public on police procedures and what they can expect in various situations. Both of these approaches hold the potential for reducing negative police/citizen interactions.

The OPA Director is currently evaluating some case tracking software and exploring other data management approaches to provide more detailed classification of complaints. Recommendations or reported changes in this area are likely in future reports.

## **OPA COMMUNITY OUTREACH**

### **Gaining and Keeping Public Confidence**

The OPA is committed to reaching out to the community. An inaugural phase of outreach has been conducted, focusing on introductions and receiving input from the community about concerns. Beginning with the publication of this report, however, the OPA is launching a broad-based promotional campaign. Continuing outreach efforts will be an ongoing and permanent part of the OPA Director's activities.

#### **Initial OPA Outreach**

**Media Relations.** Professional relationships have already been established with the local print and electronic media. From the start there was significant press coverage of the OPA Director selection and appointment. Since appointment, the Director has participated in numerous interviews with local media representatives. These interviews have been conducted to provide public information about the OPA, its Director, and the OPA perspective on several issues and occurrences (e.g., release of the Internal Investigations Auditor's report, racial profiling, the reinstatement of Sheriff's Deputy Vanderwalker, and the Roberts shooting).

The following is a partial list of the OPA Director's media contacts:

- |  |               |
|--|---------------|
| • KUOW Weekday radio show              | January 2001  |
| • Beyond the Badge cable TV show       | February 2001 |
| • Media forum re Mardi Gras at KOMO TV | March 2001    |
| • KUOW Weekday radio show              | April 2001    |
| • Seattle P-I interview                | April 2001    |
| • Seattle Times interview              | April 2001    |
| • Seattle Time interview               | May 2001      |
| • U of W student newspaper             | May 2001      |
| • KUOW Weekday radio show              | June 2001     |
| • Seattle Weekly interview             | June 2001     |
| • Seattle P-I interview                | June 2001     |
| • Beacon Hill News interview           | June 2001     |
| • NW Colors Magazine interview         | June 2001     |
| • Seattle Times interview              | June 2001     |
| • KIRO Radio – Morning show            | July 2001     |
| • KOMO Radio                           | July 2001     |

**Meetings, Events, Presentations, Community Forums.** The OPA Director has spent significant time these first few months attending community events, meeting with elected and other city officials, groups and individuals, and conducting community presentations. These initial meetings served the following purposes: to introduce the OPA and its Director to the community; to talk to the community about the purpose, role and authority of the OPA; to give input to the Director about the interests and concerns of stakeholders in the community; and to educate the community about the citizen complaint process and increase their level of comfort with the process.

In addition to these *ad hoc* meetings, the Director has found participation on the City's Racial Profiling Task Force to be a particularly rich source for contact with citizens and insight into police community relations. The significant amount of time devoted to this important effort has been well spent, and the Director shares and supports the desire of members of the Citizen Task Force to expand its mission beyond mere data collection to the identification of more comprehensive strategies for addressing this divisive issue.

Finally, representatives of the Seattle Human Rights Commission have been particularly generous with their time and considerable collective wisdom on the issue of police accountability in Seattle.

A partial list of meetings with groups and individuals conducted by the OPA Director follows:

- Public Safety Committee of the Seattle Human Rights Commission – February 2001
- University of Washington Ministries Police Liaison – February 2001
- University District Neighborhood Council Coordinator – February 2001
- Regional Law, Safety & Justice Committee – February 2001
- Memorial Service for Des Moines Officer Steven Underwood – March 2001
- James Kelly, President, The Urban League – March 2001
- ACLU of Washington – March 2001
- Black Law Enforcement Association of Washington dinner – March 2001
- South Precinct Advisory Council – March 2001
- Loren Miller Bar Association Meeting – March 2001
- West Precinct Advisory Council – March 2001
- Seattle Human Rights Commission presentation – March 2001
- Discretion v. Discrimination Forum at WSCJTC – April 2001
- Civil Rights presentation by Department of Justice – April 2001
- Public Safety Committee of Seattle City Council – April 2001
- Women in Law Enforcement presentation – April 2001
- Community Police Action Council presentation – May 2001
- Memorial Ceremony for Officers Killed in the Line of Duty – May 2001
- Seattle Commission for Sexual Minorities – May 2001
- Youth and the Law Forum – May 2001
- BLEA Youth Forum: "Know Your Rights" – May 2001
- Community Coalition Meeting at First A.M.E. Church – June 2001
- Community Forum re Racial Profiling at Rainier Beach Community Center – June 2001
- Discussions with citizens following community meeting re Roberts shooting – June 2001
- Anti-Defamation League telephone interview – June 2001
- Sexual Minorities Community Advisory Council – June 2001
- Seattle Human Rights Commission forum on How to File Complaint – June 2001

### **OPA Promotional Campaign.**

Getting the word out about the OPA has been a challenge. Despite the activity described above, the Director has learned that too few citizens are familiar with the new

OPA role and that access to information is difficult. In light of this lack of information and given that OPA implementation activity is now completed, the timing is right to put an OPA promotional effort into high gear. The planned components of this effort are detailed below.

OPA Website. An important part of the OPA's outreach is the implementation of a new OPA Website in August 2001. Citizens will be able to access the website directly, or via the City of Seattle or SPD home pages. Those who visit the website will be able to:

- Read about and communicate via email with the OPA
- File an on-line commendation or complaint regarding an SPD employee
- Get information regarding the OPA, its Director, and Frequently Asked Questions
- Check out the schedule for OPA community forums
- Find links to related documents and materials

Distribution of Literature. The OPA Director has begun to create a revised, simpler brochure about the citizen complaint process. In doing so, the Director has been approached by members of the community who would like to assist in its development. Plans call for the brochure to feature the new OPA role and to be available in several languages as well as English.<sup>7</sup>

In the past, brochures were provided to complainants who contacted the Internal Investigation Section, but were not otherwise distributed. The promotion and ongoing community outreach of the OPA mandates a much broader, comprehensive distribution plan. Brochures describing the OPA function and complaint process will be available in a variety of locations throughout the city. Each location will have brochures placed in a visible central location (lobby, information booth, etc.). At each location, an individual will be identified to serve as a point of contact for the supply of brochures. The OPA Staff Assistant will contact the designated representative at each location on a bi-monthly basis to arrange restocking of the brochures if necessary. The OPA will monitor and seek citizen input regarding the adequacy and efficacy of its literature and its distribution. The following locations will have brochures available:

- Mayor's Office, City of Seattle, 12<sup>th</sup> floor Municipal Building
- City Council Lobby, 11<sup>th</sup> floor Municipal Building
- Seattle Police Department Precincts:
  - North – 10049 College Way N.
  - West – 810 Virginia St.
  - East – 1519 – 12<sup>th</sup> Ave.
  - South – 3001 S. Myrtle St.
- Neighborhood Service Centers – 13 locations
- Seattle Office for Civil Rights, 700 – 3<sup>rd</sup> Ave., Suite 250
- ACLU, Seattle office – 705 – 2<sup>nd</sup> Ave.

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<sup>7</sup> Because of the level of interest shown in several quarters, the OPA Director plans to seek additional community input regarding the design and content of the OPA brochure before finalizing and printing large volumes.

The OPA is making contacts with the following, as other possible locations:

- Urban League/NAACP – 105 – 14<sup>th</sup> Ave.
- El Centro de la Raza – 2524 – 16<sup>th</sup> S.
- Associated Counsel for the Accused – 110 Prefontaine Place S., Suite 200
- Seattle Indian Center – 611 – 12<sup>th</sup> Ave. S.
- Seattle Public Library – 1000 – 4<sup>th</sup> Ave.
- Harborview Hospital
- Asian Legal Service, 1913 S. Jackson

Editorial Boards. In conjunction with the issuance of this initial report, the OPA has offered to appear before editorial boards of the following media organizations to discuss the content of the report, the short past and – it is hoped – longer future of the OPA:

### **Ongoing OPA Communication and Outreach.**

OPA E-mail correspondence. Direct contact via e-mail and over the OPA website will provide citizens with an immediate outlet for concerns, inquiries, and suggestions for the OPA. With appropriate staffing and maintenance, e-mail should prove an important vehicle to identify public concerns and advance the OPA outreach effort.

OPA Community Forums. The Director looks forward to the opportunity to meet regularly with citizens interested in police accountability issues. The OPA will hold regular community forums – beginning with four in the last few months of 2001 – to listen, learn, and to share information. The forums will be held in community facilities in each of the four precinct areas in the city. The discussion at the forums will be summarized, posted on the OPA website, and discussed in future reports.

Community forums are being planned to begin in September. The forums will be held throughout the city, covering each precinct area (two being held in the south Seattle area) as follows:

Garfield Community Center, September 13<sup>th</sup>, 6:00 – 7:30 pm

North Seattle Community College, October 17<sup>th</sup>, 6:00 – 7:30 pm

Gethsemane Lutheran Church, November 7<sup>th</sup>, 6:00 – 7:30 pm

El Centro de la Raza, November 13, 14, or 15<sup>th</sup>, 6:00 – 7:30 pm

Rainier Beach Community Center, December 11<sup>th</sup>, 6:30 – 8:00 pm

OPA Officer Forums. Maintaining open lines of communication with officers is critical to any serious accountability effort. The livelihood of officers is directly affected by citizen complaints. Their voices must be sought out and heard. The OPA is planning to hold a series of open meetings in each of the four precincts. The OPA Director will also explore with representatives of the Seattle Police Officers' Guild and the Seattle Police Management Association, the solicitation and receipt of comments from officers directly via e-mail.

OPA Presentations. In addition to the community forums, the OPA Director will strive to remain available for presentations to interested community groups or schools regarding the OPA, citizen complaints, and police accountability. Future reports of the OPA will include recommendations for outreach and education specific to the high school community, a particularly fertile area for growth in police/community relations. OPA presentations may also be videotaped for even wider dissemination.

OPA Training to Post-Academy Recruits. The OPA Director is currently working with the SPD Training Section to integrate a discussion of the OPA function into the training received by recruit officers. This initiative will illustrate the emphasis the Department places on proper police conduct, reinforce the importance of ethical behavior, and offer practical advice to officers on how to avoid conduct that leads to complaints by citizens.

## **OPA PROSPECTS**

### **What Lies Ahead for the Office of Professional Accountability**

In his recent book "Police Accountability: The Role of Citizen Oversight", the nation's leading authority on civilian oversight concludes:

The effectiveness of an oversight agency depends on its formal structure and the powers it possesses, the activities it engages in, the quality of its leadership, the support it receives from the public and the responsible elected officials, and the attitude of the law enforcement agency it is responsible for overseeing. *But embracing all of these elements, and ultimately more important than any one of them, is the vision that guides an oversight agency. That vision must include a commitment to holding the police accountable for their actions and the administrative wisdom to create the policies and procedures to ensure that accountability will be enhanced.* [Samuel Walker, Wadsworth, Professionalism in Policing Series (2001), page 187.]

The first six months of the OPA in the Seattle Police Department have produced:

- Meaningful civilian review at all levels of the citizen complaint process
- Reforms in the areas of communication with complainants, quality service audits, racial profiling, and bias reduction
- Effective community outreach

The vision for the next six months includes a focus on:

- Developing an early intervention program.
- Working with the King County Prosecutor's Office to establish a protocol for involvement of the OPA in the review of police shootings.
- Review of and strategy for improving the officers' view of the legitimacy of the citizen complaint function.
- Implementing a mediation program for resolving complaints.
- Securing adequate staff and resources to achieve OPA objectives.

Below is a brief discussion of each focus area.

#### **Early Intervention**

The Department has had only a rudimentary process, known as "administrative review", to look at officers with a certain number of sustained complaints. Early intervention or early "warning" systems are more comprehensive management tools for identifying employees who have an unusual number of citizen complaints, or other possible indicators of problematic performance. Such systems flag and assist officers that may benefit from counseling or training designed to correct behavior.

In past bargaining, the City and Seattle Police Officers Guild agreed to engage in interest-based bargaining regarding replacing the administrative review process with an early intervention program. The Chief has asked the OPA to serve as the key advisor to the City bargaining team that will be engaging in interest-based bargaining regarding any bargainable aspects or impacts of an early intervention program. It is anticipated that this worthy effort will take a great deal of time and attention in the remainder of 2001 and possibly into 2002.

## **OPA Response to Critical Incidents**

The former Internal Investigation Section did not have a prominent role in the investigation of discharge of a weapon by an officer. Primary investigation was done by the Homicide Unit, and reviewed by the Department's Firearms Review Board. If a death had resulted, the investigation culminated in the public inquest process. An administrative investigation by IIS could be conducted at the conclusion of these proceedings, if referred by the Chief of Police or the Firearms Review Board.

Most departments throughout the country have similar procedures, for good reasons. Shootings most often present questions of procedure, operations, or training. Seldom do the facts present as traditional "misconduct" scenarios. Moreover, if wrongdoing was ever suspected, the investigation is approached as a criminal – not administrative – investigation. Exercising the right an employer enjoys to compel statements poses great risk to the chances of a successful criminal prosecution.

Even given these legal and practical constraints, however, the Director and Chief are agreed that the new OPA Director position should have a greater role in the response and review of critical incidents such as an officer-involved shooting. It is critical to seize opportunities to enhance public confidence in the review of the most serious and sensitive of police actions. The Director is researching new approaches taken by a few jurisdictions with civilian oversight, and reviewing the issues with the King County Prosecutor's Office. A new protocol will be discussed in a subsequent report.

## **Enhancing System Legitimacy**

The OPA was created to enhance public confidence in the Department's self-policing role. It is appropriate that much of the attention of past reviews of the system and of the OPA Director have been focused on how to improve the system from the complainant's point of view. However, even dramatic improvements in accessibility, responsiveness, and fairness will have little effect on police integrity and professionalism if the officers have a low opinion of the process. Enhancing officer integrity and ethics will be difficult in an environment where distrust and resentment of the citizen complaint process is widespread.

Therefore, as a first step toward improving system legitimacy, the OPA Director seeks to better understand officers' attitudes toward, and opinions about, the complaint investigation process. Do they believe the behavioral standards to which they are being held are realistic and fair? What aspects of the complaint process raise the most concerns for them? How does their current attitude about the process affect their work? The Director has begun to review research into these issues done in other jurisdictions. Believing that it is critical that the voice of Seattle police officers be heard, the Director intends to seek funding for a focused, independently conducted research project to get answers to these questions from our officers.<sup>8</sup>

Police integrity can only flourish in an environment where police officers are involved in the improvement process. Assessing accurately the concerns of officers will be a logical

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<sup>8</sup> The Director has had preliminary discussions about this research with Guild officials. The Director is hopeful that their cooperation in this unique effort will be secured.



launching point for their participation in ongoing efforts to create a department shaped and driven by accountability values.

### **Mediation of Complaints**

Citing the “institutional limitations” of the complaint/discipline system, the Internal Investigations Auditor recommended in his April 2001 report a voluntary mediation program as a “new approach.” Though mediation of citizen complaints against the police is still a rarity in this country,<sup>9</sup> jurisdictions where it is used report highly successful results.<sup>10</sup>

The OPA and the Chief of Police support voluntary mediation as an alternative to traditional complaint handling. To help gauge the level of interest by citizens and officers, the Quality Assurance Surveys include questions about whether they may have chosen to participate in mediation if it had been an available option.

Future reports will address the progress made on developing and implementing a mediation program.

### **Funding for the OPA**

As this report indicates, the OPA is responsible for three functions: (1) oversight of all complaint activity; (2) recommending and implementing changes in policies and procedures; and (3) community outreach and education about all of the above. Additional funds are necessary to enhance the effectiveness of the OPA Director’s Office and the Investigation Section of the OPA in all three of these areas. Indeed, the OPA Director will not be able to satisfy the obligations of the ordinance, much less meet the expectations of the public, in the absence of appropriate funds.

Specifically, the OPA is seeking the following resources<sup>11</sup>:

- Administrative support for the OPA Director’s Office Funds for the co-location of OPA and the Investigation Section and other administrative expenses of the new Office
- A permanent, civilian OPA deputy director (See discussion below)

**A Civilian Deputy Director.** The need for a deputy director to the OPA was wisely anticipated by the drafters of the OPA legislation. SMC 3.28.730 provides for the appointment of an OPA Deputy Director from among the sworn captain ranks of the Department to oversee the day-to-day management of the OPA investigative process.<sup>12</sup>

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<sup>9</sup> According to Walker, *supra* at page 80, only sixteen mediation programs existed in 1999, and most of those handled few if any cases.

<sup>10</sup> Walker cites a survey of complainants in Queensland, Australia, which found that 76.2 percent were “very satisfied” or “fairly satisfied” with the mediation, compared with only 39.8 of those complainants who had their complaints formally investigated. *Id.*, page 81.

<sup>11</sup> Temporary administrative support for the Director was secured beginning June 4, 2001. The Department has included a request for funding of a permanent administrative staff assistant and other administrative expenses in the 2002 budget.

<sup>12</sup> As discussed in a previous section of this report, the Director recommends that the legislation be revised to permit retention of all management and administrative duties by the captain of the Investigation Section.

A deputy director is essential to the success of the OPA in each of the areas for which the Director is responsible. However, it is clear from the first six months of on-the-job experience that the role of a true deputy director to the OPA cannot be performed by the Investigation Section commander, and would best be filled by a civilian.

A civilian position within the OPA will be necessary to meet emerging demands for increased reporting and new program implementation, e.g., (1) to compile and analyze information required by the outside auditor and the OPA review board; (2) to implement and coordinate a mediation program for resolving citizen complaints; (3) to implement and coordinate the early intervention program; and (4) to compile and analyze racial profiling complaints, and other information gleaned from both contact logs and complaints.

In addition, a civilian deputy director can help satisfy and expand the community outreach function of the OPA. Finally, a civilian deputy director can step in for the OPA Director in the review and certification of complaints to ensure that contract deadlines are met. Currently, there is no substitution for the OPA Director's review activity as mandated by ordinance.

The Captain of the Investigation Section has neither the time nor the necessary inclination to advance the OPA effort. With the extremely high volume of cases in the Investigation Section and the tight timelines for completing investigations, management of these functions is fully consuming. Moreover, the review and certification procedures necessarily retain some adversarial tension between the Captain and the OPA Director. Where the OPA Director certifies a finding different from that proposed by the Captain, the file will forever reflect that disagreement, which is also subject to OPA reporting to the public.

The recommendation of the Citizens Review Panel was to permit the OPA Director to appoint either a civilian or sworn deputy. Experience has proved that the choice made in the implementing legislation is not advantageous. The Director recommends:

- The legislation be amended to permit appointment of a civilian deputy director
- Funding be secured for a permanent position

A recent comprehensive review of citizen oversight by the US Department of Justice stressed the importance of adequate staffing and funding, noting

“[A]n oversight procedure that is underfunded will not only have difficulty achieving its objectives, it also may create more controversy surrounding police accountability than it resolves.” [U.S. Department of Justice, National Institute of Justice, Citizen Review of Police, (March 2001), Executive Summary, p. x.]

The Director seeks the support necessary to achieve the promise made to the citizens of Seattle of a strong and effective review of citizen complaints.